

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – April 4, 2006**

**MEMBERS PRESENT**

Kenneth Charest  
Bruce Bell  
Joseph Herlihy  
William Dobrowolski  
James Murphy  
Daniel Shipley

**MEMBERS ABSENT**

Walter “Terry” Bowditch

**OTHERS PRESENT**

Carol Leighton, Administrator  
Andrew Black, Assistant Attorney General  
Kim Baker-Stetson, Licensing Clerk  
Susan Greenlaw, Board Clerk

**Location:** Androscoggin Room    **Start:** 9:00 a.m.    **Adjourn:** 12:10 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m.

**AGENDA MODIFICATIONS**

A motion was made by James Murphy to add the following to the agenda; seconded by Daniel Shipley. Unanimous.

- I. Complaint Officer’s Report
  - A. #REA-235 – Review/Approval of Consent Agreement
  - B. #REA-238 – Review/Approval of Consent Agreement
- II. Authorization for Administrator to Issue Subpoenas on behalf of the Board

**OLD BUSINESS**

**Action on Minutes of March 7, 2006 Meeting**

Typographical errors were noted. A motion was made by William Dobrowolski to approve the minutes of the March 7, 2006 meeting as amended; seconded by Bruce Bell. Unanimous.

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**Action on Tabled Applications/Items**

NAME	APPLYING TO	ACTION
#1	<p>Upgrade from licensed residential to sit for certified residential exam</p> <p>Min 120 QE bal met? = Yes</p> <p>Min 24 months exp met? = first licensed RA: 06/19/2002 to 10/23/2003 AP: 10/23/2003 to present</p> <p>Has min 2500 hours wk exp with “come” major appraisal experience documented in the file</p>	<p>4/4/06 – Tabled.</p> <p>2/7/06 - @180 days to resubmit</p> <p>2/7/06 – Decision signed</p> <p>1/3/06 – Appeal hearing held; appeal withdrawn; given 180 days to submit additional appraisals</p> <p>11/4/05 – Rec’d appeal letter</p> <p>11/6/05 – End of 30 day appeal period</p> <p>10/7/05 – Denial letter sent</p> <p>10/4/05 – Deny §14023(2)(5) – lack of competency to conduct “major” appraisals; §14031(1); Chapter 200 Section 4(B)(2)</p> <p>10/4/05 – Report on review of appraisals - Shipley</p>
#2	<p>Upgrade from licensed residential to sit for certified residential exam</p> <p>Min 120 QE bal met? = Yes</p> <p>Min 24 months exp met? = first licensed RA: 01/19/1996 to 11/16/1998 AP: 11/16/1998 to present</p> <p>Has min 2500 hours wk exp with “some” major appraisal experience documented in the file</p>	<p>4/4/06 – Motion by Herlihy to deny pursuant to 32 M.R.S.A. §§ 14023(2)(5), 14028, 14031; seconded by William Dobrowolski. Unanimous.</p> <p>3/7/06 - @180 days to resubmit</p> <p>3/7/06 – Board review</p> <p>2/15/06 – 3 appraisals received</p> <p>2/7/06 – Decision signed</p> <p>1/3/06 – Appeal hearing held; appeal withdrawn; given 180 days to submit additional appraisals</p> <p>11/21/05 – Appeal received</p> <p>11/1/05 – Deny; 30 day appeal = 12/01/05</p> <p>11/1/05 – Report on review of appraisals – Charest</p>
#3	<p>Trainee – took education from NH Community Technical College</p>	<p>4/4/06 – No action necessary</p> <p>3/20/06 – Refund initiated</p> <p>3/17/06 – Applicant withdrew application &amp; requested refund of license fee</p> <p>3/8/06 – Letter sent to applicant</p> <p>3/7/06 – Board voted to deny the education</p> <p>3/7/06 – OK – this provider is approved by the NH Board</p>
#4	<p>Upgrade from trainee to sit for licensed residential exam</p> <p>Min 90 QE bal met? = Yes 135 QE hours on file</p> <p>Min 2000 exp met? = Yes 1<sup>st</sup> lic 4/5/1999 – 2000+ hrs wk exp on file</p>	<p>4/4/06 – Motion by Herlihy to approve for exam; seconded by Dobrowolski. Unanimous.</p> <p>3/16/06 – Rec’d letter from applicant requesting waiver of 1<sup>st</sup> 50 or extension of license</p> <p>3/7/06 – Board voted to table to April 4, 2006</p> <p>3/3/06 – P/C with applicant; wants</p>

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		to revise application to "AP"; have rec'd official notification of change of application Issues with 1 <sup>st</sup> 50 requirement – this rule came into effect 3 years after he became a trainee
#5	Upgrade from trainee to sit for certified residential exam Min 120 QE bal met? – No – 75 QE hours on file; needs to take 45 more QE hours Min 24 months exp met? = Yes – 1 <sup>st</sup> lic 4/4/2002 Min 2500 hours wk exp w/some major/complex appraisals?? – 2673 hours on file	4/4/06 – Motion by Dobrowolski to table; seconded by Murphy. Unanimous. 3/8/06 – P/C W EL; she is taking courses this spring; will submit request to table appl to end of May? 3/7/06 – Bd voted to table to 4/4/06 3/6/06 – P/C to supv; mistakenly took multiple "CE" courses; request to table for a month while she gets classes completed
#6	Upgrade from trainee to sit for certified residential exam Min 120 QE bal met? – No – 90 QE hours on file Min 24 months exp met? = Yes – 1 <sup>st</sup> lic 6/27/2003 Min 2500 hours wk exp w/some major/complex appraisals?? – 3107 hours on file	4/4/06 – Motion by Dobrowolski to accept 30 hour course; seconded by Shipley. Unanimous. 3/8/06 – P/C W GR; he will submit ind rqst for college education 3/7/06 – Bd voted to table to 4/4/06 3/6/06 – Needs to document 30 more QE; called and left message
#7	Upgrade from licensed residential to sit for certified residential exam Min 120 QE bal met? – Yes – 135 QE hours on file Min 24 months exp met? = Yes 1 <sup>st</sup> lic: RA 2/1/2000 AP 12/23/2002 Min 2500 hours wk exp w/some major/complex appraisals?? No 2110 hours on file	4/4/06 – Motion by Dobrowolski to table; seconded by Murphy. Unanimous. 4/4/06 – Hours not rec'd 3/7/06 – Bd voted to table to 4/4/06 3/6/06 – Not enough work hours on file; called to request additional hours; he will provide; request to table to next month

## **NEW BUSINESS**

### **Administrator's Report**

Trainee applicant – disclosed criminal information: A motion was made by Joseph Herlihy to table and request further information directly from the prosecutor's office; seconded by William Dobrowolski. Unanimous.

Public Law 518: Provided for informational purposes.

Appraisal Subcommittee Letter – March 24, 2006: Provided for informational purposes.

### **Complaint Officer's Report**

**#REA-212/213/214:** A motion was made by William Dobrowolski to approve the Letters of Guidance as presented; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-221:** Licensee submitted amendments to Consent Agreement that was offered. A motion was made by Bruce Bell to accept the Consent Agreement as amended; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-235:** A motion was made by Daniel Shipley to accept the complaint committee's recommendation; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-238:** A motion was made by Daniel Shipley to accept the complaint committee's recommendation; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-247:** A motion was made by William Dobrowolski that there is sufficient evidence to go forward with a hearing based on possible violations of 32 M.R.S.A. §14014(1)(G)(I)(J), USPAP Standards Rule 1-1(c); seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to offer a Consent Agreement to include the following:

- Admission to violations
- Reprimand
- Fine - \$1500

seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-250:** A motion was made by James Murphy that there is sufficient evidence to go forward with a hearing based on possible violations of 32 M.R.S.A. §14014(1)(G)(I)(J), USPAP Competency Rule, and USPAP Standards Rule 1-1(b)(c); seconded by William Dobrowolski.

Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by William Dobrowolski to offer a Consent Agreement to include the following:

- Admission to violations
- Fine - \$3000
- Suspension – 30 days
- No trainees for two years
- 30 hour course on complex properties – to be approved by complaint officer
- 15 hour USPAP course

seconded by James Murphy. Bell, Charest, Dobrowolski, and Murphy voted in the affirmative; Shipley opposed; Herlihy abstained. Motion carried.

A motion was made by William Dobrowolski to amend the motion to include a Reprimand; seconded by James Murphy. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-251:** A motion was made by Daniel Shipley to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**Board Decision and Order**

Lisa Atkins: Daniel Shipley recused and left the room. A motion was made by James Murphy to approve the Decision with minor typographical corrections; seconded by William Dobrowolski. Unanimous.

**Review and Action on Applications and Education**

NAME	APPLYING TO	ACTION
#1	Application to sit for licensed residential exam 1 <sup>st</sup> lic as trainee: 6/16/2004 90 QE on file? = Yes Min 2000 work experience on file? = No; 1884 1 <sup>st</sup> 50 form on file? = Yes	4/4/06 – Motion by Shipley to table; seconded by Murphy. Unanimous. 3/20/06 – P/C with applicant; she did not realize she was short on exp hours; she requests appl to be tabled for one month in order to submit remaining hours 3/17/06 – Application rec'd
<b>APPLICATIONS TO DENY</b>		
#1	Application to sit for licensed residential exam 1 <sup>st</sup> lic as trainee: 5/21/2004 90 QE on file? = Yes Min 2000 work exp on file? = No 1 <sup>st</sup> 50 form on file? = No	4/4/06 – Motion by Dobrowolski to deny; seconded by Murphy. Unanimous.
#2	Application for temporary license Certification of good standing? = Yes Consent to Service form? = No Criminal History form and fee? = No	4/4/06 – Motion by Dobrowolski to deny; seconded by Murphy. Unanimous.
#3	Trainee application 75 QE? = Yes Registration Training form? = No Criminal History form? = Yes	4/4/06 – Motion by Dobrowolski to deny; seconded by Murphy. Unanimous.

**Correspondence**

USPAP Q&A – March 2006: Provided for informational purposes.

2006 Exposure Draft on Interpretations and Guide Notes Applying to the Real Property Appraiser Qualification Criteria: Response to be drafted by Administrator.

**Next Meeting Scheduled for May 2, 2006**

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**OTHER BUSINESS**

Authorization for Administrator to Issue Subpoenas on behalf of the Board: A motion was made by Daniel Shipley to authorize the Board's Administrator to issue subpoenas on behalf of the Board; seconded by William Dobrowolski. Unanimous.

**ADJOURN**

Being no further board business the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk